

## Fourth Judicial District

### District Judges

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#### Administrator

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### Ada County

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## Rules of the District Court and Magistrate Division

## for the Fourth Judicial District

### Law and Motion Days

**Rule 1.** These rules are promulgated under the authority of Rule 1(c) I.R.P.C. and will govern the internal case management and procedure of the District Court including procedures for setting the time and place for the trial of actions and the hearing of all other proceedings and motions.

### Rule 2. Assignment of Cases -- District Judges

**2.0** - All cases and proceedings not assigned to Magistrates shall be assigned to District Judges, and in cases of necessity or emergency any District Judge may assign to a District Judge individual cases which would otherwise under these rules be regularly assigned to a Magistrate.

**2.1** - The Administrative District Judge or his designee may assign to District Judges other cases severally or by class or category of case which would otherwise under these rules be assigned to a Magistrate.

**2.2** - A District Judge may in cases of necessity or emergency issue temporary protective or restraining orders in cases assigned to a Magistrate, pending hearing before a Magistrate.

**2.3** - At the time of filing any original action or proceeding or appeal from the Magistrates Division, the Clerk shall assign all cases to be handled by District Judges to an individual judge whose name shall be stamped upon the case file. The cases shall be so assigned by a method designed to assign an equal number of original cases and an equal number of civil and criminal appeals to each judge on a random basis.

### Rule 3. Jurisdiction and Assignment of Cases Magistrates

**3.0** - Pursuant to Rule 82(c), (1) (2) and (3), Idaho Rules of Civil Procedure, and Rule 2.2, Idaho Criminal Rules, jurisdiction is hereby granted to the Magistrates of the Fourth Judicial District as follows:

(a) All magistrates are assigned jurisdiction over those matters enumerated in Rule 82(c), (1) (2) and (3), Idaho Rules of Civil Procedure, and Rule 2.2 (a) (1) (2) (3), and (b) (1) (2) (3), Idaho Criminal Rules.

(b) The following Magistrates, Hon. Michael Dennard, Hon. John F. Dutcher, Hon. Patricia A. Flanagan, Hon. A. Richard Grant, Hon. Charles H. Hay, Hon. Terry McDaniel, Hon. Michael P. McLaughlin, Hon. Thomas R. Morden, Hon. Timothy L. Hansen, Hon. Thomas F. Neville, Hon. Richard A. Schmidt, Hon. John R. Sellman, Hon. John C. Vehlows, Hon. Darla S. Williamson, Hon. Patricia G. Young

are assigned the additional jurisdiction enumerated in Rule 82(c)(2)(A)(B)(C) and (E), Idaho Rules for Civil Procedure, and Rule 2.2 (c)(2)(3), Idaho Criminal Rules.

### Rule 4. Calendars

**4.0** - Each clerk of the District Court shall keep a general calendar for his county, which calendar shall consist of a District Judges' Division, a Magistrates' Division, and a Master Trial Calendar.

**4.1 - District Judges' Division.** The District Judges' Division shall consist of the following calendars:

- (a) Miscellaneous Calendar
- (b) Civil Motion Calendar
- (c) Civil Cases at Issue Calendar
- (d) Civil Appeal Calendar
- (e) Criminal Calendar
- (f) Criminal Appeal Calendar
- (g) Trial Calendar
- (h) Habeas Corpus Calendar

**4.2.0 - Magistrates' Division.** The Magistrates' Division shall consist of the following calendars:

- (a) Miscellaneous Calendar
- (b) Civil Motion Calendar
- (c) Civil Cases at Issue Calendar
- (d) Civil Trial Calendar
- (e) Probate Calendar
- (f) Juvenile Proceedings Calendar
- (g) Mental Hearing Calendar
- (h) Criminal Calendar
- (i) Criminal Arraignment Calendar
- (j) Preliminary Hearing Calendar
- (k) Criminal Trial Calendar
- (l) Traffic Calendar
- (m) Small Claims Calendar
- (n) Habeas Corpus Calendar (In those counties where

Magistrates are given jurisdiction to issue Writs of Habeas Corpus)

**4.2.1 - Combining Calendar in Register.** Upon request of the Clerk of the Court of any county and approval of the Magistrates of that county and the Administrative District Judge or his designee, several calendars may be combined in the same register.

**4.3 - Master Calendar.** The Master Trial Calendar shall consist of a separate sheet for each month of the year with sufficient space thereon for each day of the month to show thereon all cases which have been scheduled for trial each day by any of the District Judges or Magistrates utilizing a common court room or courthouse. As to each trial setting the Clerk shall show by appropriate numbers, letters or symbols the case number, the Judge or Magistrate assigned to try the case, whether the trial is to the court or a jury and the number of days allotted for trial. The Clerk shall also designate on said calendar the days and times on which the courtroom will be in use for regularly scheduled Law and

Motion Days by the District Judges and Magistrates and to the District Judge or Judges on each calendar day for his or their use in scheduling cases for trial.

**4.4.0** - The Clerk shall keep the calendars and note the cases and proceedings in the appropriate divisions and calendars as defined by the following rules:

**4.4.1 - District Judges' Division**

(a) **The Miscellaneous Calendar** shall consist of all civil cases and special proceedings filed and assigned to District Judges which are not pending on the Civil Motion Calendar, the Civil Cases at Issue Calendar, the Civil Appeal Calendar or the Trial Calendar.

(b) **The Civil Motion Calendar** shall consist of (1) all civil cases and proceedings at issue on adversary motion or Order to Show Cause; (2) all civil cases and proceedings which are subject to default or other non-adversary hearing before the Court; (3) all appeals from the Magistrates' Division and the administrative boards or officers at issue on adversary motion or in which there have been requests, in accordance with Rule 83(w), I.R.P.C., for oral arguments; which have been properly noticed for hearing and calendared in accordance with Rule 5.1.1.

(c) **The Civil Cases at Issue Calendar** shall consist of all civil cases and proceedings noticed as ready for trial on issues of fact as provided in Rule 5.1.2(b); all appeals from the Magistrates' Division in small claims cases under section 1-2311, Idaho Code; and all appeals from the Magistrates' Division in the Civil cases and proceedings in which a Trial De Novo has been ordered. The Civil Cases at Issue Calendar shall be made up for call at the beginning of each term; and in addition in Ada County on the first Monday of each subsequent Law and Motion Day.

(d) **The Civil Appeal Calendar** shall consist of all civil cases and proceedings in which a notice of appeal from the Magistrates' Division has been filed in accordance with Rule 83(e), I.R.P.C. The calendar shall reflect the date of filing the notice of appeal, the date on which the record on appeal is filed, the dates on which briefs of parties are filed, the date on which any demand for oral argument is filed, and the date on which the case is argued; and if a Trial De Novo is ordered, it shall reflect that fact.

(e) **The Criminal Calendar** shall consist of (1) all criminal cases in which an indictment or information has been filed and is pending for plea or at issue on demurrer or other motion; (2) all criminal cases appealed from the Magistrates' Division at issue on adversary motion, or in which there has been a request in accordance with Criminal Appellate Rule 13 for argument on the merits or motion for Trial De Novo. Matters on this calendar shall never be dropped or removed from the calendar until dismissed, set for trial on the merits, or an appeal argued and decided; and in the case of a continuance such matter shall never be continued indefinitely but always to a date certain.

(f) **The Criminal Appeal Calendar** shall consist of all criminal cases in which a notice of appeal from the

Magistrates' Division has been filed in accordance with Criminal Appellate Rule (6). The Calendar shall reflect the date of filing the notice of appeal, the date on which the record on appeal is filed, the dates on which briefs of the parties are filed, the date on which any demand for oral argument is filed and the date on which the case is argued; and if Trial De Novo is ordered, it shall reflect that fact.

(g) **The Trial Calendar** shall consist of all cases and proceedings scheduled for trial on the merits before the Court or to a jury. Such a calendar shall indicate whether the cases are set for court or jury trial.

(h) **The Habeas Corpus Calendar** shall consist of all petitions filed for Writ of Habeas Corpus or review under the Post-Conviction Procedure Act.

**4.4.2 Magistrates' Division**

(a) **The Miscellaneous Calendar** shall consist of all civil cases and special proceedings filed and assigned to Magistrates which are not pending on any of the other Calendars in this division.

(b) **The Civil motion Calendar** shall consist of all civil cases and proceedings at issue on adversary motion or Order to Show Cause of which are subject to default or other non-adversary hearing before the Court, which have been properly noticed for hearing and calendared in accordance with Rule 5.2.2, except matters on the Juvenile, Parent-Child Proceedings, Mental Hearing and Small Claims calendars.

(c) **The Civil Cases at Issue Calendar** shall consist of all civil cases and proceedings noticed as ready for trial on issues of fact as provided in Rule 5.2.3, except Juvenile, Parent-Child Proceedings, Mental Hearing, and Small Claims calendars. Such calendar shall indicate whether the cases are set for Court or jury trial.

(d) **The Civil Trial Calendar** shall consist of all civil cases and proceedings scheduled for trial on the merits before the Court or to a jury, except matters on the Juvenile, Parent-Child Proceedings, Mental Hearing, and Small Claims calendars. Such calendar shall indicate whether the cases are set for Court or jury trial.

(e) **The Probate Calendar** shall consist of all proceedings filed for the probate of wills; administration of descendant's estates; guardianship of estates, minors and incompetents; determination of heir ship after lapse of two years; determination of life estate; and determination of inheritance tax.

(f) **The Parent-Child Proceedings Calendar** shall consist of all proceedings for adoption, termination of parent-child relations, and Child Protective Act proceedings.

(g) **The Juvenile Proceedings Calendar** shall consist of all proceedings instituted by the filing of a petition under the Youth Rehabilitation Act, and cases of juveniles held in detention without court order.

(h) **The Mental Hearing Calendar** shall consist of all proceedings for the judicial commitment of individuals to the State Board of Health under Chapter 3, Title 66, Idaho Code.

(i) **The Criminal Calendar** shall consist of all criminal cases filed, except traffic citations and cases on the criminal arraignment, preliminary hearing and criminal trial calendars.

(j) **The Criminal Arraignment Calendar** shall be made up each day before the arraignment time and shall consist of all criminal cases in which warrants of arrest have been returned executed, or involving defendants arrested and held without a warrant since the last arraignment time, and all defendants whose arraignment time has been continued to the given arraignment date or whose bond receipt or summons to appear has required their appearance on the given arraignment date. matters on this calendar shall never be dropped or removed from the calendar until the dismissed or set for trial on the merits, or preliminary hearing; and in cases of discontinuance such matters shall never be continued indefinitely but always a date to a date certain.

(k) **The Preliminary Hearing Calendar** shall consist of all criminal cases which have been set for or continued to a date certain for preliminary hearing.

(l) **The Criminal Trial Calendar** shall consist of all criminal cases which have been set for a date certain for trial on the merits. Such calendar shall specify weather cases are set for Court or jury trial.

(m) **The Traffic Calendar** shall consist of all traffic citations filed which have not been transferred to either the Criminal Arraignment or Criminal Trial Calendar upon the appearance of an attorney for the defendant and the entry by the defendant of a plea of not guilty.

(n) **The Small Claims Calendar** shall consist of all small claims actions filed. For purposes of such actions there is hereby created a Small Claims Department of the Magistrates' Division pursuant to the authority of Section 1-2301, Idaho Code.

(o) **The Habeas Corpus Calendar** shall consist of all petitions for Writ of Habeas Corpus that are filed. Cases on this calendar may be combined in the same register with cases on the District Court Habeas Corpus Calendar.

## Calendaring Matters for Hearing and Trial

**5.0 - Cases and Proceedings** shall be set for hearing and trial in accordance with the following rule.

**5.1.0 - District Judges -- Law and Motion Days.** The following days and times are hereby established as Law and Motion Days in this District:

### Civil Calendar

Ada County	
Judge Wilper	Monday, Wednesday, Thursday
Judge McKee	Every Tuesday, Wednesday, & Thursday at 3:30 p.m.

Judge McLaughlin	Tuesday, Wednesday, Thursday, & Friday at 3 p.m.
Judge Neville	Wednesday, Thursday, & Friday at 9 a.m.
Judge Eismann	Every Friday at 1:30 p.m.
Judge Bail	Each Wednesday at 1:30 p.m.
Judge Sticklen	Monday through Thursday at 3:30 p.m.
Boise County	
Judge Carey	Second Friday of each month at 10 a.m.
Elmore County	
Judge McLaughlin	The First & Third Thursday at 3:30 p.m.
Valley County	
Judge Carey	The last week of each month (Wednesday, Thursday, & Friday) at 10 a.m.

### 5.1.1 - District Judges' Division -- Civil Motion Calendar.

In all counties of this District, only those matters which have been noticed for hearing on a particular Law and Motion Day or scheduled for hearing by the clerks as provided by this rule, will be heard by the Court.

Matters will be placed on the Civil motion Calendar and brought on for hearing on a Law and Motion Day in the following manner only:

(a) **Ada County.** Prior to filing notice of hearing upon any matter requiring service and notice under Rules 5(a) and 6(d) I.R.P.C. or any other adversary or contested matter requiring hearing, or appearing to present proof for default judgment or other non-adversary matter requiring proof, counsel shall contact the Clerk of the Court who will assign a time certain for hearing of the matter, and such time and day shall be used by counsel in all notices and shall be the time of hearing unless changed by order of the Court. Motions and Orders to Show Cause shall be brought on for hearing in conformance with Rule 6(d) I.R.P.C.

(b) **Boise, Elmore and Valley Counties.**

(1) Motions and other adversary or contested matters requiring hearing shall be brought on for hearing on any Law and Motion Day in conformance with Rule 6(d) I.R.P.C.

(2) Default and other non-adversary matters may be placed on the Civil motion Calendar by notifying the Clerk of the Court on or before 12:00 o'clock noon by the day preceding the day set for the hearing.

(3) Civil motion matters originating in these counties may be heard at chambers in Ada County on any Ada County motion day upon agreement of counsel by making contact and

application to the District Judge to whom the case has been assigned.

(c) All motions, notices of hearing, and returns of service showing default must be filed on or before 12:00 o'clock noon of the day preceding the day set for the hearing.

### **5.1.2 - District Judges' Division -- Trial Setting -- Civil Cases -- Calendar Days.**

(a) A party desiring to place a cause on the Civil Cases at Issue Calendar shall serve upon adverse counsel and file with the Clerk of the Court in the county in which the case is filed, with proof of service thereon, on or before the Friday preceding the call, a note of issue stating those items as required in Rule 40 (a), I.R.P.C., except that all notices shall be in written and shall further state:

(1) Title and Number of Case

(2) The case is at issue to all parties served with process or appearing therein.

(3) The Calendar Day on which the party filing the note of issue will ask the Court to set the case for trial or pre-trial.

(4) Whether a pre-trial is desired. Ref. 40(b) I.R.P.C.

(b) The Clerk shall place causes upon the Civil Cases at Issue Calendar chronologically in the order in which the notes of issue have been filed, and shall arrange Court cases and jury cases under separate headings so as to facilitate setting them for trial or pre-trial.

(c) The general order for setting cases for trial or pre-trial shall be as follows, subject to the power of the Court to alter the same to suit the convenience of the Court, of the parties, or of counsel (1) Civil jury cases and Trials De Novo on appeals in the order in which they appear on the calendar; (2) Civil court cases and Trials De Novo on appeals in the order in which they appear on the calendar.

(d) When a cause is duly placed on the Civil Cases at Issue Calendar, upon the demand of any party present at the call, it shall be set for pre-trial or trial at the courts discretion. Parties and their counsel having matters properly upon the Civil Cases at Issue Calendar pursuant to a note of issue, are required to be present. Either party may call up and request setting of any cause upon the calendar in the absence of adverse counsel. Any cause passed by counsel at a calendar call following the filing of a note of issue will be placed on the Miscellaneous Calendar and will not be returned to the Civil Case at Issue Calendar until a new note of issue has been filed and served as provided in these rules. If an attorney does not reside in the Fourth Judicial District or it is impossible for them to appear at the Calendar Call, he shall notify the Court by letter of his inability to appear and indicate the dates on which he cannot appear for trial or pre-trial.

### **5.1.3 - District Judges' Division**

#### **Criminal Calendar**

<b>Ada County</b>	
Judge Eismann	Every Friday at 9 a.m.
Judge Wilper	Each Tuesday at 9 a.m.
Judge McLaughlin	Monday at 1:30 p.m.
Judge Neville	Each Monday at 9 a.m.
Judge Horton	Each Wednesday at 9 a.m.
Judge Carey	Thursday at 9 a.m.
Judge Bail	Each Monday at 1:30 p.m.
<b>Boise County</b>	
Judge Carey	Second Friday of each month at 10 a.m.
<b>Elmore County</b>	
Judge McLaughlin	Every Monday at 9 a.m.
<b>Valley County</b>	
Judge Carey	The last week (Thursday & Friday) of each month at 10 a.m.

**5.2.0 - Magistrates' Division -- Calendaring Hearings and Trials.** Subject to the following rules and supervision and control of the Administrative District Judge or his designee, each magistrate shall control and set trial hearing times and dates for all cases assigned to them. There shall be no terms of Court but the Magistrates Division shall be continuous session.

**5.2.1 - Magistrates' Division Law and Motion Days.** The following days and times are hereby established as Law and Motion Days for the Magistrates of the Fourth Judicial District.

#### **Civil Calendar**

##### **Ada County - Each Court Day**

∂ All adoptions will begin at 1:30 p.m., Tuesday, Wednesday and Thursday

∂ All orders to Show Cause will begin at 1:30 p.m.

∂ All civil motions will begin at 1:30 p.m.

∂ All default divorce proceedings will begin at 1:30 p.m. and 2:30 p.m.

∂ Probate proceedings will be held at 9 a.m. each Tuesday except the last Tuesday of the month.

∂ Child support proceedings will be at 9 a.m. 3 days per month - days will vary.

∂ Child protection proceedings will be held any time Judge can schedule.

##### **Boise County**

∂ Second and 4th Monday at 1:30 p.m. at Idaho City.

∂ Third Tuesday at 1:30 p.m. at Horseshoe Bend.

##### **Elmore County**

∂ Judge Sellman - Every other Tuesday at 1:30 p.m. at Mountain Home.

ð Judge Epis - Criminal and Civil matters at 10 a.m. every Monday in Mountain Home. Civil matters are every other Thursday at 11:30 a.m.

#### **Valley County**

ð The 2nd and 4th Thursday at Cascade.

**5.2.2 - Magistrates' Division - Civil Motion Calendar.** In all counties of this District, only those matter which have been noticed for hearing on a particular Law and Motion Day or scheduled for hearing on a Law and Motion Day by the Clerk as provided by this rule, will be heard by the Court. Notice of hearing may be served and filed by any party concerned. Matters will be placed on the Civil Motion Calendar and brought on for hearing on a Law and Motion Day in the following manner only:

(a) Default and other non-adversary matters may be placed on the Civil Motion Calendar by notifying the Clerk on or before 12:00 o' clock noon of the day preceding the day set for hearing.

(b) All motions, notices of motions, and returns of service showing default must be filed on or before 12 o' clock noon preceding the day set for hearing.

**5.2.3 - Magistrates' Division - Trial Setting - Civil Cases at Issue Calendar.** A party desiring to place a cause on the Civil Cases at Issue Calendar shall serve upon opposing counsel and file with the Clerk of the Court concerned, with proof of service thereon, a note of issue in the form required by Rule 5.1.2 (b). In addition to the information required by Rule 5.1.2 (b), the note of issue shall list the dates on which the attorney or party filing the note of issue will not be available for trial or pre-trial. Opposing counsel or the adverse party shall within five (5) days respond to the note of issue listing the dates on which he will not be available for trial or pre-trial. Upon the filing of the required note of issue and response, or the lapse of five (5) days after the filing of the note of issue without a response, the matter shall be set for trial or pre-trial, with regard for the convenience of counsel, by the Clerk of the Court under the direction of the Magistrate to whom the case is assigned. notice thereof shall be mailed to the attorneys, or to the parties if not represented by attorneys.

A. Reference Rules 40(a) and 40 (b), I.R.P.C.

#### **5.2.4 Magistrates' Division - Criminal Arraignment and Traffic Calendars**

(a) In each county the Magistrate assigned to hear matters on the Criminal Arraignment Calendar shall hear such matters daily, except Saturdays, Sundays, and holidays, at a time or times to be fixed by such Magistrate, subject to the control and supervision of the Administrative District Judge or his designee.

(b) Misdemeanor cases in which pleas of not guilty are entered shall be set for trial at the time of the entry of the plea unless continued for trial setting for a date certain by the Magistrate.

(c) Felony cases in which a preliminary hearing is requested shall be set for hearing at a time certain at the time the request is made unless continued for trial setting to a date certain by the Magistrate.

(d) Cases on the Traffic Calendar in which pleas of not guilty are entered shall be set for trial at the time of the entry of the plea unless continued for trial setting to a date certain by the Magistrate.

**5.2.5 - Magistrates' Division - Hearing Dates - Other Cases and Proceedings.** Dates for hearings on the merits on cases on the Juvenile, Parent-Child Proceedings, Mental Hearing, and Small Claims Calendars shall be fixed by the Clerk under the direction of the Magistrate to whom the case or proceeding is assigned at the time the Petition or initiatory pleading is filed or the hearing ordered, whichever is appropriate.

#### **5.3.0 - District Judges and Magistrates' Divisions - Habeas Corpus Calendars.**

(a) **Habeas Corpus** - All Writs of Habeas Corpus or warrants in lieu of a writ shall be issued by the Clerk of the Court upon order of a District Judge or a Magistrate having jurisdiction to grant such writs or warrants.

When a Writ of Habeas Corpus or warrants is issued, unless the Judge or Magistrate ordering the writ or warrant directs the Clerk to set a different return day, the return day shall be set for the next regular day for hearing matters on the criminal calendar, if issued by a District Judge, or the next regular Law and Motion Day for the issuing Magistrate, if issued by a Magistrate. Hearing on the return shall be had on the return day unless by stipulation the parties agree to a different day certain.

If upon the hearing on the return the Judge or Magistrate determines that legal cause is shown for the imprisonment or restraint or for the continuation thereof, the Judge or Magistrate shall fix a date certain for the petitioner to answer the return and for hearing the issues of fact and law raised by the return and the answer.

(b) **Post-Conviction Review** - No application for review under the Post-Conviction Procedure Act will be filed by the Clerk unless it complies with section (b)(1) of this rule.

Immediately upon the filing of such application the Clerk of the Court shall deliver a copy to the Prosecuting Attorney.

Any party desiring to notice a motion or other adversary matter for hearing or to set the matter for trial on the merits may file a notice of hearing or notice of trial setting to be heard on a regular criminal calendar day of the Judge to whom the case is assigned.

If a motion is filed and not accompanied with a notice of hearing, the Clerk shall without further notice or order note

the matter for hearing on the first criminal calendar day of the Judge to whom the case is assigned which will allow five days notice to the parties or their counsel and the Clerk shall give such notice. If no matter is noticed for hearing within 30 days after the application is filed, the Clerk shall without further notice or order note the matter for hearing on the first criminal calendar day of the Judge to whom the case is assigned following the expiration of the 30 days which will allow five days notice to the parties or their counsel and the Clerk shall give such notice. Once the matter is noted for hearing the case shall continue to be set for a day certain for all further proceedings until final disposition is made.

(b) (1) Procedure under Idaho Code Section 19-4903.

**A. Nature of Remedy.** Section 19-4903 is intended to provide in a sentencing court a remedy commensurate with that which had previously been available by Habeas corpus in District Courts in whose jurisdiction the prisoner was confined. A motion challenging the validity of a sentence is an independent civil action which should be separately docketed, and the procedure before the Trial Court and on appeal to the Supreme Court is governed by the Rules of Civil Procedure insofar as applicable.

**B. Sufficiency of Motion.** A motion to vacate a sentence must be submitted on a form substantially in compliance with the form which shall be furnished by the Clerk of the Court.

**C. Burden of Proof.** The movant has the burden of establishing his grounds for relief by preponderance of the evidence.

**Rule 6. Improper Calendaring.** A cause improperly placed upon a calendar may be stricken or transferred to the proper calendar by and Judge or Magistrate upon its being brought to his attention.

**Rule 7. Appearance of Counsel - Contested Motions.** In the absence of stipulation or court order granting a continuance, the failure of the moving party or his attorney to personally appear to present an adversary motion at the time set will be deemed by the Court to be a withdrawal of the same.

If the moving party or his attorney appears to present the motion and the opposing party or his attorney does not appear and the motion has been properly and timely noticed for hearing with proof of due service thereof and the moving party has filed a memorandum required by I.R.P.C., the Court may render its decision on the merits of the motion.

**Rule 8. Time for Argument.** Unless a different time is allowed by Judges or Magistrate or a different time is fixed by other controlling rule, arguments or contested matters shall be limited to 15 minutes to a side.

**Rule 9. Ex Parte Orders.** All applications to Judges or Magistrates for Ex Parte Orders must be made in propria persona or by an attorney of this Court.

**Rule 10. Jurors.** The assignment of jurors to courts and excusing of individual jurors in Ada County shall be under the direction of a Jury Commissioner to be appointed, subject to supervision of the Administrative District Judge or his designee. As to any questionable excuse of a juror the Jury Commissioner may refer the matter to one of the District Judges or Lawyer Magistrates.

**Rule 11. Continuances, Vacation and Waiver of Jury Trials.** Any case set for trial shall be tried on the date set unless by order or consent of the court, for cause shown, the same is continued, vacated, or jury is waived.

Requests for continuance for absence of evidence must conform to the requirements of Rule 56 (f) I.R.P.C., Idaho Code, and the moving party must state upon affidavit the evidence which he expects to obtain.

**Rule 12. Pleadings in Criminal Cases - Preparation of Pleadings.** Magistrates shall not prepare any criminal complaints or pleadings.

**Rule 13. Additional Rules.** Subject to the approval of the Administrative District Judge or his designee and the Idaho Supreme Court each Magistrate may make supplemental rules for his Court which are not inconsistent with these rules or any of the Uniform Rules adopted by the Idaho Supreme Court governing the Magistrates' Division.

**Rule 14. Joinder of Cases.** Motions to consolidate pending actions pursuant to rule 42 (a) I.R.P.C., shall be presented to and ruled upon by the District Court Judge or Judge of the Magistrate Division to whom the lowest numbered case has been assigned, among those matters sought to be consolidated.

**Rule 15.** When a case with multiple defendants is assigned to Judges of the District Court or Judges of the Magistrate Division of the District Court, a motion to disqualify the Judge pursuant to Rule 40 (d) (1) is filed by one or more defendants, the total case, including all multiple defendants, will be reassigned to another Judge pursuant to established assignment procedures.

These reflect the rules of this Court as adopted July 1, 1976 and amended thereafter (added 1979).

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO

Jurisdictional Assignments,	)	
Magistrate Division	)	ORDER
Fourth Judicial District	)	96-07-0001



Effective July 1, 1996.

Pursuant to Rule 82 (c) (1), Idaho Rules of Civil Procedure, and Rule 2.2, Idaho Criminal Rules, jurisdiction is hereby granted to the Magistrates of the Fourth Judicial District as follows:

I. All Magistrates are assigned jurisdiction over those matters enumerated in Rule 82 (c) (1) (A) (1) (2) and (3), Idaho Rules of Civil Procedure, and Rule 2.2 (a) (1) (2) (3), and (b) (1) (2) (3), Idaho Criminal Rules.

II. The following Magistrates:

Hon. Christopher M. Bieter	Hon. Charles H. Hay
Hon. Russell A. Comstock	Hon. Carolyn M. Minder
Hon. David E. Day	Hon. Terry R. McDaniel
Hon. Michael Dennard	Hon. Thomas R. Morden
Hon. John F. Dutcher	Hon. Richard A. Schmidt
Hon. David E. Epis	Hon. John R. Sellman
Hon. Patricia A. Flanagan	Hon. John C. Vehlowl
Hon. A. Richard Grant	Hon. Thomas P. Watkins
Hon. Timothy L. Hansen	Hon. Darla S. Williamson
	Hon. Patricia G. Young

are assigned the additional jurisdiction enumerated in Rule 82 (c) (2) (A) (B) (C) (E), Idaho Rules of Civil Procedure, and Rule 2.2 (c) (2) (3), Idaho Criminal Rules.

This order of the District Judges of the Fourth Judicial District, stating the jurisdiction of the Magistrates of the Fourth Judicial District, amends and revokes any other orders dealing with this subject and shall be posted in a conspicuous place in the Clerk's Office of each county in the district and published in the Idaho State Bar Directory.

**Hon. Daniel T. Eismann**

Administrative District Judge

**Hon. Joel D. Horton**

District Judge

**Hon. Thomas F. Neville**

District Judge

**Hon. Michael McLaughlin**

District Judge

**Hon. Deborah A. Bail**

District Judge

**Hon. D. Duff McKee**

District Judge

**Hon. George D. Carey**

District Judge

**Hon. Kathryn A. Sticklen**

District Judge

**Hon. Ronald J. Wilper**

District Judge